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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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| PHILIP MARTINET, Individually, On Behalf of All Others Similarly Situated, and on Behalf of the General Public,<br><br>Plaintiff,<br><br>v.<br><br>SPHERION ATLANTIC ENTERPRISES, LLC, A Delaware Limited Liability Company,<br><br>Defendants. | Civil No.07cv2178 W (AJB)<br><br>ORDER GRANTING THE PARTIES JOINT MOTION TO EXTEND THE DISCOVERY DEADLINE IN THE COURT'S JUNE 23, 2008 ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION FOR PROTECTIVE ORDER |

Pursuant to the Joint Motion filed by counsel in the above entitled action, the Court orders as follows:

WHEREAS, the Honorable Anthony J. Battaglia, entered an Order Granting in Part and Denying in Part Defendant's Motion for Protective Order (the "Order") on June 23, 2008;

WHEREAS, the Order requires Defendant to provide responses to certain discovery requests propounded by Plaintiff on or before July 11, 2008;

WHEREAS, the parties have conferred and agreed to extend the time for Defendant to provide responses to discovery requests propounded by Plaintiff;

THEREFORE, the parties STIPULATE and agree as follows:

1. The parties will share the costs of an "opt out" privacy notification similar to that approved of in *Belaire-West Landscaping, Inc. v. Superior Court*, 149 Cal. App. 4th 554 (2007). The

parties will split the cost of a third-party administrator, Rust Consulting, to send out privacy notifications to putative class members working out of Defendant's San Diego office in 2007. The putative class members will have thirty (30) days to send in a post card and opt not to have their information shared with plaintiff's counsel. If they do not opt-out, their name and last known address and phone number will be given to Plaintiff's counsel after the expiration of the 30-day period. Defendant will have the list of names and last known addresses and phone numbers ready to produce to Rust Consulting by July 18, 2008. The parties will meet and confer on the content of the notice. As soon as the parties have established an account with Rust Consulting and agreed on the content of the notice, Defendant will forward the confidential list to Rust Consulting. The list will be kept confidential and the identity of the opt-outs will only be shared with Defendant and its counsel.

2. By July 18, 2008, Defendant will provide the total number and the number per pay period of all non-exempt employees working out of Defendant's San Diego office during the calendar year 2007.

3. Within fourteen (14) days after the 30-day privacy notification opt-out period, Defendant will produce to Plaintiff payroll data and time cards in response to discovery requests calling for documents that demonstrate Defendant's non-exempt employees employed out of the San Diego office were provided with 30-minute meal breaks during the calendar year 2007. Defendant will produce this material in non-redacted form for those putative class members who did not opt out via the *Belaire-West* privacy notification. The information will be produced in redacted format and by employee identification number for those putative class members who opt out.

4. By July 18, 2008, Defendant will provide a written response to special interrogatories requesting the identity of the payroll systems used for all non-exempt employees employed out of the San Diego office during the calendar year 2007.

5. By July 18, 2008, Defendant will provide a written response to special interrogatories and document requests seeking information regarding "studies" conducted related to meal periods, rest periods, and overtime of employees in Defendant's San Diego office in the calendar year 2007.

6. Defendant will have until August 11, 2008 to answer and produce documents in response to all other outstanding discovery requests.

7. Defendant will not depose Plaintiff until 14 days after the August 11, 2008 production of documents.

8. Plaintiff's deposition will take place prior to any company depositions, including Rule 30b(6) depositions.

IT IS SO ORDERED.

DATED: July 15, 2008

Hon. Anthony J. Battaglia

U.S. Magistrate Judge

United States District Court